

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JACQUELINE D. ANGLLEN,)	CASE NO. 1:17-CV-2384
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
vs.)	
)	
WENDY'S-MUY HAMBURGER)	
PARTNERS, et al.,)	<u>MEMORANDUM OPINION</u>
)	
Defendants.)	

This matter is before the Court upon Magistrate Judge Jonathan D. Greenberg's Report and Recommendation, which was issued on February 20, 2018. (ECF #11). Plaintiff, Jacqueline D. Anglen, ("Ms. Anglen") did not file an Objection. For the reasons set forth herein, the Report and Recommendation is ADOPTED.

On November 13, 2017, Ms. Anglen filed a Complaint in this Court against Defendants, MUY Hamburger Partners, LLC, Wendy's Headquarters and Wendy's Store 3787 (hereafter "Wendy's"). (ECF #1). On this same date, Ms. Anglen filed a Complaint against Wendy's and the Equal Employment Opportunity Commission ("EEOC") in the Cuyahoga County Court of Common Pleas. (See ECF #3-1 - Case No. CV-17-888950). Magistrate Judge Greenberg stated that both Complaints are identical, and although it was difficult to assess the exact nature of Ms. Anglen's claims, both appear to allege an age discrimination claim against Wendy's, her former employer. (See ECF #11, p. 2-3). On December 7, 2017, Wendy's filed its Motion to Dismiss Ms. Anglen's Complaint based upon Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil


Procedure. (ECF #3).

Magistrate Judge Greenberg determined that the state court and federal court actions are parallel proceedings. This finding allowed Magistrate Judge to then analyze the eight factors that must be considered when a federal court decides whether to abstain from exercising jurisdiction due to a concurrent state court proceeding. *See Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976). Magistrate Judge Greenberg indicated that his analysis of the factors weighs in favor of abstention, and recommends that this Court dismiss the matter without prejudice.¹ This Court agrees with Magistrate Judge Greenberg's analysis, and therefore, adopts the Report and Recommendation in its entirety.

This Court has reviewed the Report and Recommendation and has considered all of the pleadings, affidavits, motions and filings of the parties. After careful evaluation, this Court find that Magistrate Judge Greenberg's Report and Recommendation is thorough, well-written, well-supported and correct. This Court, therefore, adopts the findings of fact and conclusions of law of Magistrate Judge Greenberg as its own.

For the reasons stated herein, the Report and Recommendation of Magistrate Judge Greenberg is hereby ADOPTED - Defendant-Wendy's Motion to Dismiss (ECF #3) is GRANTED and this matter is dismissed without prejudice.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

¹ The Magistrate Judge indicated that his recommendation for dismissal was based upon abstention principles, and not based upon Rule 12(b)(1) or 12(b)(6).